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19 IN THE UNITED STATES DISTRICT COURT
20
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA
22
23 SAN JOSE DIVISION

24 **RICHARD JAMES JUNIEL, JR.,**

25 C 07-4542 RMW (PR)

26 Petitioner,

27 v.

28 **T. FELKNER, Warden,**

29 Respondent.

30
31 **DECLARATION OF COUNSEL IN SUPPORT OF RESPONDENT'S EX PARTE**
32 **APPLICATION FOR FIRST EXTENSION OF TIME**

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RICHARD JAMES JUNIEL, JR.,

Petitioner,

T. FELKNER, Warden,

Respondent.

C 07-4542 RMW (PR)

**DECLARATION OF
COUNSEL IN SUPPORT OF
RESPONDENT'S EX PARTE
APPLICATION FOR FIRST
EXTENSION OF TIME**

I, Joan Killeen, declare under penalty of perjury that:

20 I am a Deputy Attorney General of the State of California and am admitted to practice law
21 in this state and before this Court. I have been assigned to represent respondent and to prepare the
22 answer in this case. Respondent has made no previous request for an extension of time.

23 On April 28, 2008, this Court issued an Order to Show Cause, directing respondent to file
24 an answer to the petition for writ of habeas corpus within sixty days.

25 I request an additional sixty days from the present due date to prepare and file the answer.
26 This request is not made for the purpose of delay. In the past sixty days, I filed the answers to the
27 petitions for writ of habeas corpus in *Cruz v. Subio*, C 07-4329 JSW, and *Hawkins v. Dexter*, C 08-

1 1087 SI (PR), a motion to dismiss the petition for writ of habeas corpus in *Monroe v. Adams*, CIV
2 S-08-0558 MCE DAD P, a reply to the opposition to a motion to dismiss the petition for writ of
3 habeas corpus in *McCord v. Warden*, C 07-5217 CRB, and the respondent's briefs in *People v. Luna*,
4 H031666, and *People v. Ary*, 113020. I am currently working on the respondent's brief in *People*
5 *v. Terwilligar*, A119000, a case with a reporter's transcript over 1,800 pages long and a clerk's
6 transcript over 1,450 pages long. In addition, I have to file the respondent's brief in *People v.*
7 *Gonzalez*, H032193, and the answers to the petitions for writ of habeas corpus in *Tamboura v. Ayers*,
8 C 08-1143 JF, and *Nordlof v. Clark*, C 07-4899 MMC, before beginning work on the answer in this
9 case.

10 Petitioner raises eleven claims for relief in connection with his 2003 convictions for first
11 degree murder with personal use of a firearm, unlawful possession of a firearm, and possession of
12 an assault weapon. The reporter's transcript of the trial is over 2,000 pages long and the clerk's
13 transcript is over 500 pages long.

14 In light of my current work load, the number of claims raised by petitioner, and the
15 necessity of reviewing the lengthy trial record to address those claims, I will be unable to prepare
16 and file the answer by the current due date.

17 I have not contacted petitioner in this case because he is a state prisoner proceeding pro
18 se.

19 Executed on June 26, 2008, at San Francisco, California.

20
21 /s/ Joan Killeen
22 JOAN KILLEEN
23 Deputy Attorney General
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